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DATE FILED: MAY 06 2008

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK COUNTY

NOEMIA V. TOPETE

Plaintiff(s),

-against-

BRADFORD W. BERGEN, JOSHUA MARTIN AND
PATRICK J. GILDEA

Defendant(s).

STIPULATION OF
DISCONTINUANCE

Index No. 1166597007

08 CIV 1285CPAC

IT IS HEREBY STIPULATED AND AGREED by and between the attorneys for the respective parties herein that the above entitled action, having been settled, be, and the same hereby is, discontinued, with prejudice and without costs to any party and that this stipulation may be filed with the Clerk of the Court without further notice.

Dated: WEST BABYLON, NEW YORK
April 24, 2008

BRIAN J. LEVY
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BRADFORD W. BERGEN
P.O. Box 9000
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Carle Place, NY 11514

SO ORDERED: MAY 06 2008

HONORABLE A. CROTTY
UNITED STATES DISTRICT JUDGE



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*86 Chambers Street, Third Floor
New York, New York 10007*

May 2, 2008

BY HAND DELIVERY

The Honorable Paul A. Crotty
United States District Judge
United States Courthouse
500 Pearl St., Room 735
New York, NY 10007

Re: *Topete v. Gildea, et al.*, 08 Civ. 1285 (PAC)

Dear Judge Crotty:

This Office represents the United States (the "Government") in the above-referenced tort action. In a letter dated April 28, 2008, I submitted for the Court's consideration a proposed settlement stipulation between plaintiff and the Government resolving plaintiff's claims against the Government. In that letter, I also undertook to submit a copy of plaintiff's stipulation of discontinuance upon receiving a copy of the same. I write now to enclose respectfully a Stipulation of Discontinuance of this action executed by counsel for plaintiff and counsel for Mr. Bradford Bergen, a co-defendant.

On April 29, Your Honor endorsed the settlement stipulation between plaintiff and the Government and also ordered that this matter be closed, subject to re-opening within 30 days in the event that the settlement has not been consummated. The Government will work diligently to ensure that the settlement between plaintiff and the Government is completed promptly.

I thank the Court for its consideration of this matter.

Respectfully,

MICHAEL J. GARCIA
United States Attorney

By: _____

LI YU

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Enclosure.

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